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LRB095 09184 CMK 34101 a

1 AMENDMENT TO HOUSE BILL 1463

2 AMENDMENT NO. _____. Amend House Bill 1463 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Protection Act is amended by
5 changing Section 3.330 as follows:

6 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

7 Sec. 3.330. Pollution control facility.

8 (a) "Pollution control facility" is any waste storage site,
9 sanitary landfill, waste disposal site, waste transfer
10 station, waste treatment facility, or waste incinerator. This
11 includes sewers, sewage treatment plants, and any other
12 facilities owned or operated by sanitary districts organized
13 under the Metropolitan Water Reclamation District Act.

14 The following are not pollution control facilities:

15 (1) (Blank);

16 (2) waste storage sites regulated under 40 CFR, Part

1 761.42;

2 (3) sites or facilities used by any person conducting a
3 waste storage, waste treatment, waste disposal, waste
4 transfer or waste incineration operation, or a combination
5 thereof, for wastes generated by such person's own
6 activities, when such wastes are stored, treated, disposed
7 of, transferred or incinerated within the site or facility
8 owned, controlled or operated by such person, or when such
9 wastes are transported within or between sites or
10 facilities owned, controlled or operated by such person;

11 (4) sites or facilities at which the State is
12 performing removal or remedial action pursuant to Section
13 22.2 or 55.3;

14 (5) abandoned quarries used solely for the disposal of
15 concrete, earth materials, gravel, or aggregate debris
16 resulting from road construction activities conducted by a
17 unit of government or construction activities due to the
18 construction and installation of underground pipes, lines,
19 conduit or wires off of the premises of a public utility
20 company which are conducted by a public utility;

21 (6) sites or facilities used by any person to
22 specifically conduct a landscape composting operation;

23 (7) regional facilities as defined in the Central
24 Midwest Interstate Low-Level Radioactive Waste Compact;

25 (8) the portion of a site or facility where coal
26 combustion wastes are stored or disposed of in accordance

1 with subdivision (r) (2) or (r) (3) of Section 21;

2 (9) the portion of a site or facility used for the
3 collection, storage or processing of waste tires as defined
4 in Title XIV;

5 (10) the portion of a site or facility used for
6 treatment of petroleum contaminated materials by
7 application onto or incorporation into the soil surface and
8 any portion of that site or facility used for storage of
9 petroleum contaminated materials before treatment. Only
10 those categories of petroleum listed in Section 57.9(a) (3)
11 are exempt under this subdivision (10);

12 (11) the portion of a site or facility where used oil
13 is collected or stored prior to shipment to a recycling or
14 energy recovery facility, provided that the used oil is
15 generated by households or commercial establishments, and
16 the site or facility is a recycling center or a business
17 where oil or gasoline is sold at retail;

18 (11.5) processing sites or facilities that receive
19 only on-specification used oil, as defined in 35 Ill.
20 Admin. Code 739, originating from used oil collectors for
21 processing that is managed under 35 Ill. Admin. Code 739 to
22 produce products for sale to off-site petroleum
23 facilities, if these processing sites or facilities are:
24 (i) located within a home rule unit of local government
25 with a population of at least 30,000 according to the 2000
26 federal census, that home rule unit of local government has

1 been designated as an Urban Round II Empowerment Zone by
2 the United States Department of Housing and Urban
3 Development, and that home rule unit of local government
4 has enacted an ordinance approving the location of the site
5 or facility and provided funding for the site or facility;
6 and (ii) in compliance with all applicable zoning
7 requirements;

8 (12) the portion of a site or facility utilizing coal
9 combustion waste for stabilization and treatment of only
10 waste generated on that site or facility when used in
11 connection with response actions pursuant to the federal
12 Comprehensive Environmental Response, Compensation, and
13 Liability Act of 1980, the federal Resource Conservation
14 and Recovery Act of 1976, or the Illinois Environmental
15 Protection Act or as authorized by the Agency;

16 (13) the portion of a site or facility accepting
17 exclusively general construction or demolition debris,
18 located in a county with a population over 700,000 as of
19 January 1, 2000, and operated and located in accordance
20 with Section 22.38 of this Act;

21 (14) the portion of a site or facility, located within
22 a unit of local government that has enacted local zoning
23 requirements, used to accept, separate, and process
24 uncontaminated broken concrete, with or without protruding
25 metal bars, provided that the uncontaminated broken
26 concrete and metal bars are not speculatively accumulated,

1 are at the site or facility no longer than one year after
2 their acceptance, and are returned to the economic
3 mainstream in the form of raw materials or products; ~~and~~

4 (15) the portion of a site or facility located in a
5 county with a population over 3,000,000 that has obtained
6 local siting approval under Section 39.2 of this Act for a
7 municipal waste incinerator on or before July 1, 2005 and
8 that is used for a non-hazardous waste transfer station; ~~-~~

9 (16) the portion of a site or facility, that has no
10 more than 10,000 cubic yards of raw materials, composting
11 material, or end-product compost on-site at any one time
12 that uses only livestock waste, crop residue,
13 uncontaminated wood waste, and landscape waste as raw
14 materials for composting, or that has no more than 30,000
15 cubic yards if the compost facility is part of a required
16 Waste Management Plan that has been developed in accordance
17 with the standards of the Livestock Management Facilities
18 Act that meets the following:

19 (i) the location criteria of Section 39(m)(1)
20 through (m)(4);

21 (ii) the location criteria of 35 Ill. Admin. Code
22 Part 830.203(a)(3); and

23 (iii) that is permitted under 35 Ill. Admin. Code
24 Part 807; and

25 (17) the portion of a site or facility, that has no
26 more than 5,000 cubic yards of raw materials, composting

1 material, or end-product compost on-site at any one time,
2 that uses source separated food waste, paper waste,
3 including, but not limited to, corrugated and cardboard,
4 livestock waste, uncontaminated wood waste, and landscape
5 waste as raw materials for composting and meets the
6 location criteria of 39(m)(1) through (4) and 35 Ill.
7 Admin. Code Part 830.203(a)(3). For purposes of this
8 Section, "food waste" means the source separated organic
9 portion of the waste resulting from the handling,
10 processing, preparation, cooking, and consumption of food,
11 and the wastes from the handling, processing, storage, and
12 sale of produce. "Food waste" does not include packaging,
13 utensils, or containers from the handling, processing,
14 preparation, cooking, and consumption of food.

15 (b) A new pollution control facility is:

16 (1) a pollution control facility initially permitted
17 for development or construction after July 1, 1981; or

18 (2) the area of expansion beyond the boundary of a
19 currently permitted pollution control facility; or

20 (3) a permitted pollution control facility requesting
21 approval to store, dispose of, transfer or incinerate, for
22 the first time, any special or hazardous waste.

23 (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249,
24 eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".